REMARKS

Applicants thank Examiner Savani for the comments in the subject Patent Application. Paragraph 0033 has been replaced to correct a typographical error. Claim 1 has been amended to recite a length of about 60 inches to about 65 inches, as supported in paragraph 0033. Claim 2 has been amended for readability. Claim 4 has been amended to recite each of said shipping inserts having a shape conformed to the trough, wherein each of said shipping inserts position generally transverse to said length of said pan, as supported in paragraph 0035 and FIGS. 9-11. Claim 5 has been amended to correct antecedent basis.

Claim 8 has been amended to recite said means for securing said solar modules to said flanges comprise clips affixed to said flanges by bolts, wherein said bolts pass through said clips and into said flanges, as supported in paragraph 0045 and FIGS. 6-7A. Claim 9 has been amended for consistency. Claim 10 has been amended to recite single clips and/or double clips from stepped-channel material, as supported in paragraph 0045. Claim 11 has been amended to correct antecedent basis. Claim 14 has been amended to correct antecedent basis and recite limitations corresponding to amended Claim 4.

Claims 15 and 16 have been amended to correct antecedent basis. Claim 17 has been amended to recite limitations of amended Claim 8. Claim 18 has been amended for consistency. Claim 19 has been amended to recite limitations of amended Claim 10. Claims 23-26 have been amended for consistency. New Claim 27 recites limitations of amended Claim 1. No new subject matter has been added with this amendment. Applicants believe no additional claim fee is needed with this amendment since the number of independent claims and the total number of claims does not exceeded those originally filed and paid for.

Applicants' invention provides a pan used for installation of a solar module on a roof and novel manner of using the pan for packaging the solar module for transport. The pan has a length corresponding to a length of the solar module, such that one pan protects a side length of the solar module when together as a package and one pan supports a side length of the solar module when installed on a roof. The pan has a trough shape and has shipping inserts positioned transverse to a length in the trough. The solar module attaches to flanges of the pan by clips with bolts into the flanges.

35 U.S.C. § 102

Stern et al.

The rejection of Claims 1-3, 8, 9, 11, 17, 18, 20, 21, 23, 24, and 26 based on 35 U.S.C. § 102(b) as being anticipated by Stern et al., U.S. Patent 6,065,255, is respectfully traversed. Anticipation requires a reference must teach each and every element of a claim, MPEP § 2131.

The Office Action cites Stern et al. for allegedly disclosing a pan. Stern et al. actually discloses a roof mounting for photovoltaic modules with runners and perpendicular rails.

Regarding independent Claim 1, Stern et al. discloses that "each rail is long enough to accommodate two modules oriented end to end lengthwise along the rail", column 3, lines 36-29. Stern et al. also discloses that "the rails are 92.5 inches in length", column 3, lines 40-41. In contrast Claim 1 recites a pan length of about 60 inches to 65 inches (structurally different by about 150 percent – two modules versus one module). Stern et al. does not disclose Applicants' recited pan length. Accordingly, this claim rejection should be withdrawn.

Regarding independent Claims 8 and 17, these claims have been amended to recite limitations of the clips and bolts to attach the solar modules to the flanges. The Office Action states Stern et al. "does not disclose clips for securing", page 7, lines 13-14. Accordingly, these claim rejections are moot.

For at least the above reasons, the rejection of Claims 1-3, 8, 9, 11, 17, 18, 20, 21, 23, 24, and 26 should be withdrawn. Stern et al. does not disclose Applicants' recited invention. Accordingly, there can be no anticipation.

35 U.S.C. § 103

Stern et al. and Bucko

The rejection of Claims 4-6, 14-16, and 25 based on 35 U.S.C. § 103(a) as being unpatentable over Stern et al. in view of Bucko, U.S. Patent 2,950,001, is respectfully traversed. Bucko (secondary obviousness reference) does not close the gapes of Stern et al. (primary obviousness reference) to arrive at Applicants' claimed invention.

The Office Action states Stern et al. "does not disclose the insert", page 5, lines 13-14. The Office Action cites Bucko for allegedly disclosing shipping inserts for solar modules. Bucko actually discloses a crate for shipping glass. Claim 4 and independent Claim 14 have been amended to recite each of said shipping inserts having a shape

conformed to the trough, wherein each of said shipping inserts position generally transverse to said length of said pan. Applicants' shipping inserts have a v-shape to fit in the trough and to support a side of the solar module, as shown in FIGS. 9-11. In contrast, FIG. 5 of Bucko shows corner clamps (triangular oriented at least 90 degrees differently) for holding glass. Put another way, Applicants' simple foam shipping inserts are much less complicated than the corner clamps of Bucko (not a trough-shape and not transverse to a length). Accordingly, Applicants' shipping inserts differ structurally from Bucko. A person of skill in the art would not be motivated by the teachings of Bucko to modify the rails of Stern et al. to arrive at Applicants' pan with shipping inserts.

Furthermore, MPEP § 2143.01(a) states that to rely on a reference under 35 U.S.C. § 103, it must be analogous prior art. In this case, Applicants' invention relates to photovoltaic modules and ways to package and/or install them. Stern et al. is in U.S. Class 52/173.3 (52 static structures and 173.3 sunlight activated device) and Bunko is in U.S. Class 206-1 (special receptacle or package). A person of skill in the art of photovoltaic devices would not be motivated to look to prior art of packaging to arrive at a pan for mounting a solar module to a roof. Accordingly, Bucko is non-analogous art.

For at least the above reasons, the rejection of Claims 4-6, 14-16, and 25 should be withdrawn. Stern et al. in combination with Bucko does not teach or suggest Applicants' recited invention. Accordingly, there can be no finding of obviousness.

Stern et al. and Shingleton

The rejection of Claims 10 and 19 based on 35 U.S.C. § 103(a) as being unpatentable over Stern et al. in view of Shingleton, U.S. Patent Application Publication 2003/0070368, is respectfully traversed. Shingleton (secondary obviousness reference) does not close the gapes of Stern et al. (primary obviousness reference) to arrive at Applicants' claimed invention.

The Office Action cites Shingleton for allegedly disclosing a clip. Shingleton actually discloses a solar collector array mounted on a frame. FIG. 3 of Shingleton discloses a clip with a T-shaped member and a channel nut. The bolt passes through the T-shaped member and into the channel nut between the flanges. In contrast, Applicants' clip uses a bolt into the flanges which is simpler than the clip and channel nut assembly (two part) of Shingleton. Applicants' bolts anchor the clip and the solar module by having at least 2 bolts per clip. Shingleton does not teach or suggest a single clip as recited in amended Claims 10 and 19.

For at least the above reasons, the rejection of Claims 10 and 19 should be withdrawn. Stern et al. in combination with Shingleton does not teach or suggest Applicants' recited invention. Accordingly, there can be no finding of obviousness.

Stern et al. and Brody

The rejection of Claims 12 and 22 based on 35 U.S.C. § 103(a) as being unpatentable over Stern et al. in view of Brody, U.S. Patent 4,180,958, is respectfully traversed. Brody (secondary obviousness reference) does not close the gapes of Stern et al. (primary obviousness reference) to arrive at Applicants' claimed invention.

The Office Action cites Brody for allegedly disclosing a fastener. Brody actually discloses a method and apparatus for fastening an object to a clay tile roof. Claim 12 depends from independent Claim 8 (clips and bolts) and is patentable for at least the above reasons. Claim 22 depends from independent Claim 17 (clips and bolts) and is patentable for at least the above reasons.

For at least the above reasons, the rejection of Claims 12 and 22 should be withdrawn. Stern et al. in combination with Brody does not teach or suggest Applicants' recited invention. Accordingly, there can be no finding of obviousness.

Stern et al. and Maeder

The rejection of Claim 13 based on 35 U.S.C. § 103(a) as being unpatentable over Stern et al. in view of Maeder, German Patent Document 20209892, is respectfully traversed. Maeder (secondary obviousness reference) does not close the gapes of Stern et al. (primary obviousness reference) to arrive at Applicants' claimed invention.

The Office Action cites Maeder for allegedly disclosing a telescoping feature. Maeder actually discloses an assembly for securing solar modules on building walls and roofs. Claim 13 depends from independent Claim 8 (clips and bolts) and is patentable for at least the above reasons. Furthermore, Maeder discloses a w-shape and not a v-shape. A persons of skill in the art is not motivated to modify the rail of Stern et al. by the teachings of Meader to arrive at Applicants' recited telescoping limitation of trough-shaped cross section (v-shape).

For at least the above reasons, the rejection of Claim 13 should be withdrawn. Stern et al. in combination with Maeder does not teach or suggest Applicants' recited invention. Accordingly, there can be no finding of obviousness.

CONCLUSION

For at least the above reasons, Applicants urge that all claims presented are in condition for allowance. Applicants respectfully request a notice of allowance in this case based on the claims as presented in this Amendment. Should any question arise or item remain outstanding, please contact Applicants' undersigned attorney.

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